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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,471	01/15/2004	David L. Morton	WOG 3631.0002	7603

152 7590 06/29/2005

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EXAMINER

HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,471

Applicant(s)

MORTON ET AL.

Examiner

Christopher R. Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/6/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-23 in the reply filed on 6/13/05 is acknowledged.

Claims 24-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claim Objections

2. Claim 23 is objected to because of the following informalities: The range "1 22" should be "1-22". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-4, 8, 12-15, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Blumle (US 4,896,480).

Blumle discloses an applicator apparatus for applying a protective cover 2 to a product comprising platform 11; cover magazine 4 holding a plurality of covers 2; frame supporting cover manipulator 14 with suction cup gripper; cover applicator 26 and fastener roller 27 for pressing and securing the cover 2; transport

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mechanism/piston/cylinder 23/24 for moving manipulator 14 between positions to apply cover 2 to product 3; see figures 2-5.

5. Claims 1, 2, 8, 9, 12, 16, 19-20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Winski et al. (US 5,336,042).

Winski et al. disclose an applicator apparatus for applying a protective cover 118 to a product comprising platform 74; cover magazine 92 holding a plurality of covers 90; frame supporting cover manipulator 138 with suction cup grippers; cover applicator 190 and fastener 200 for pressing and securing the cover; transport mechanism 146 for moving manipulator 138 between positions to apply cover to product(s); see figures 3, 4, and 11. The palletized covered load is rotatable on the platform for stretch wrap securing (see figure 12). One disclosed embodiment of Winski et al. describes the cover fastener and pressure applicator to include a taping fastener (see column 11, lines 40-58 for securing the cover after folding/pressing relieved side and top portions down over the product(s)).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winski et al. (US 5,336,042).

Winski et al. do not disclose the cover manipulator to be able to rotate about a pivot axis, however the examiner takes OFFICIAL NOTICE that enabling rotation of the cover manipulator around a vertical axis would have been obvious to one of ordinary skill in the art for adjusting the position as desired in order to better align the cover with the products below.

8. Claims 10, 11, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winski et al. (US 5,336,042) in view of Blumle (US 4,896,480).

Winski et al. do not directly disclose the use of pressure rollers on the ends of the pressure applicator/plow cage 190, however Blumle teaches pressure rollers 27 on the ends for applying and securing the cover while moving across its surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include pressure rollers as taught by Blumle in the invention to Winski et al. in order to lessen friction and possible tearing of the cover.

9. Claims 6-7 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winski et al. (US 5,336,042) in view of Hannen (US 5,216,871).

Winski et al. do not directly disclose a vertically movable turntable, however Hannen teaches a vertically movable turntable 21 for stretch wrapping; see figure 1. Winski provide for a control system including sensors for applying the stretch wrap. It would have been obvious to one of ordinary skill in the art to include the teachings of

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Hannen in the invention to Winski et al. for adjusting the height of the load during the stretch wrapping procedure.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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LOUIS K. HUYNH
PRIMARY EXAMINER